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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,292	02/05/2001	Harry McCabe	6706-004	7177
27383	7590	10/06/2003	EXAMINER	
CLIFFORD CHANCE US LLP 200 PARK AVENUE NEW YORK, NY 10166			MCCARTHY, CHRISTOPHER S	
			ART UNIT	PAPER NUMBER
			2184	<i>6</i>
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,292	MCCABE, HARRY	
	Examiner Christopher S. McCarthy	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 February 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8, 10, 12, 13 and 16-17, 19-23 is/are rejected.
 7) Claim(s) 9, 11, 14, 15 and 18 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 05 February 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1, 3-8, 10, 17, 19-20, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Grant et al U.S. Patent 5,027,269.

As per claim 1, Grant discloses a computerized method to recover session information and data after a change in the system (column 2, lines 42-45) the method comprising: connecting a persistent data object to a first persistent data control object (column 4, lines 35-38); transacting data in a data area in response to a request by the persistent data object, wherein the first persistent data control object controls the transaction of the data in the data area (column 4, lines 35-38); replicating the data area in at least one alternate persistent data control objects (column 4, lines 38-39; column 4, line 67 – column 5, line 2); and connecting the persistent data object to an alternate persistent data control object upon notification of the change in the system, wherein the alternate persistent data control object obtains control of the transaction of the data in the data area upon the change in the system (column 4, line 67 - column 5, line 2; column 4, lines 45-51).

As per claim 3, Grant discloses the method of claim 1 wherein the change in the system comprises a failure of the first persistent data control object (column 2, lines 51-54).

As per claim 4, Grant discloses the method of claim 1 additionally comprising creating a data area in response to a request by the persistent data object, wherein the first persistent data control object controls the creation of the data area (column 4, lines 35-38).

As per claim 5, Grant discloses the method of claim 1 additionally comprising connecting the persistent data object to a second persistent data control object (column 4, lines 45-51).

As per claim 6, Grant discloses the method of claim 1 additionally comprising storing the data area in a media device (column 4, lines 35-38).

As per claim 7, Grant discloses the method of claim 6, wherein the media device is chosen from the list consisting of a memory, hard disc drive, and a networked media device (column 4, lines 35-38).

As per claim 8, Grant discloses the method of claim 1, wherein session information is stored in the first persistent data control object and replicated in alternate persistent data control objects (column 2, lines 51-54).

As per claim 17, Grant discloses the method of claim 1, wherein the connection of the persistent data object to the alternate persistent data control object is done transparently to a user (column 4, lines 9-16).

As per claim 19, Grant discloses the method of claim 1, additionally comprising requesting a transaction of data in the data area by a user, wherein the user sends the request to the persistent data object (column 2, lines 51-58; column 1, lines 36-47).

As per claim 20, Grant discloses the method of claim 19, wherein the user is selected from the list consisting of a person, a program, a person using a program, a program using a program, and expanding levels of programs using programs (column 1, lines 36-47).

As per claim 22, Grant discloses a computer system for recovering session information and data after a change in the system (column 2, lines 42-45), the method comprising: a computer, wherein the computer comprises a memory (column 2, lines 36-42) and a processor

(column 1, lines 36-47); and executable software residing in the computer memory (column 2, lines 36-42) wherein the software is operative with the processor to: connect a persistent data object to a first persistent data control object (column 4, lines 35-38); transact data in a data area in response to a request by the persistent data object, wherein the first persistent data control object controls the transaction of the data in the data area (column 4, lines 35-38); replicate the data area in at least one alternate persistent data control objects (column 4, lines 38-39; column 4, line 67 – column 5, line 2); and connect the persistent data object to an alternate persistent data control object upon notification of the change in the system, wherein the alternate persistent data control object obtains control of the transaction of the data in the data area upon the change in the system (column 4, line 67 - column 5, line 2; column 4, lines 45-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 12, 13, 16, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant in view of Hunt et al U.S. Patent 6,539,422, and further in view of *Microsoft Computer Dictionary*.

As per claim 2, Grant teaches the method of claim 1, wherein the system comprises an Application comprised of objects, and a Messaging Scheme (column 5, lines 13-30), wherein, the messaging scheme is utilized by the session monitor of Grant to communicate with each

session object and monitor the respective state of each. Grant does not explicitly teach a System Registry. Microsoft does teach the use of a registry as being a central hierarchical database in Windows9x systems (page 379). Although, a Windows9x operating system is not taught in Grant, a lower Windows operating system was available at the time of the Grant invention. The proof of the compatibility of the Grant invention in a Windows environment is given in Hunt by Hunt utilizing the Grant invention program NetView in a Windows environment (column 7, line 22 and column 8, line 66). It would have been obvious to one of ordinary skill in the art to combine the Windows environment of Hunt, which includes the System Registry, into the process of Grant. One of ordinary skill in the art would have been motivated to combine the Windows environment of Hunt, which includes the System Registry, into the process of Grant because by using an updated version of an operating system allows the computer system to take advantage of all current applications. Also, the Windows environment allows for multi-tasking of different applications, which is a desirable attribute as taught by Grant (column 1, lines 43-44).

As per claim 12, Grant teaches the method of claim 2, additionally comprising the persistent data object communicating with the first persistent data control object and the alternate persistent data control object through the Messaging Scheme (column 5, lines 13-30).

As per claim 13, Grant teaches the method of claim 2, wherein the Messaging Scheme determines the change in the system and notifies the persistent data object (column 5, lines 13-30).

As per claim 16, Grant teaches the method of claim 2 additionally comprising the determining the change in the system by sending a message to the first persistent data control

object to determine the current state of the first persistent data control object (column 5, lines 13-30).

As per claim 21, Grant discloses a computerized method to recover session information and data after a change in the system, wherein the system comprises an Application comprised of objects, and a Messaging Scheme (column 5, lines 13-30) and the change in the system comprises a failure of the first persistent data control object (column 2, lines 51-54), the method comprising: connecting a persistent data object to a first persistent data control object (column 4, lines 35-38); creating a data area in response to a request by the persistent data object, wherein the first persistent data control object controls the creation of the data area (column 4, lines 35-38); transacting data in a data area in response to a request by the persistent data object, wherein the first persistent data control object controls the transaction of the data in the data area (column 4, lines 35-38); replicating the data area in at least one alternate persistent data control objects (column 4, lines 38-39; column 4, line 67 –column 5, line 2); determining the change in the system by sending a message to the first persistent data control object to determine the current state of the first persistent data control object (column 5, lines 13-30); connecting the persistent data object to an alternate persistent data control object upon notification of the change in the system, wherein the alternate persistent data control object obtains control of the transaction of the data in the data area upon the change in the system; and connecting the persistent data object to the second persistent data control object (column 4, lines 45-51; column 4, line 67 – column 5, line 2). Grant does not explicitly teach a System Registry. Microsoft does teach the use of a registry as being a central hierarchical database in Windows9x systems (page 379). Although, a Windows9x operating system is not taught in Grant, a lower Windows operating system was

available at the time of the Grant invention. The proof of the compatibility of the Grant invention in a Windows environment is given in Hunt by Hunt utilizing the Grant invention program NetView in a Windows environment (column 7, line 22 and column 8, line 66). It would have been obvious to one of ordinary skill in the art to combine the Windows environment of Hunt, which includes the System Registry, into the process of Grant. One of ordinary skill in the art would have been motivated to combine the Windows environment of Hunt, which includes the System Registry, into the process of Grant because by using an updated version of an operating system allows the computer system to take advantage of all current applications. Also, the Windows environment allows for multi-tasking of different applications, which is a desirable attribute as taught by Grant (column 1, lines 43-44).

Allowable Subject Matter

5. Claims 9, 11, 14, 15, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

csm
September 30, 2003


ROBERT BEAUSOLEIL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100